



SEALED

Office of the United States Attorney
District of Nevada
501 Las Vegas Boulevard, Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336

NICHOLAS A. TRUTANICH
United States Attorney
District of Nevada
Nevada Bar #13644
BIANCA R. PUCCI
Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
Phone: (702) 388-6336
Bianca.Pucci@usdoj.gov

Attorneys for the United States of America

FILED.

DATED: 2:42 pm, October 14, 2020

U.S. MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

PLAINTIFF,

vs.

DARRYL HENDERSON,

DEFENDANT.

Case No. 2:20-mj-00908-DJA

Application To Seal

(Under Seal)

The United States of America, by and through NICHOLAS A. TRUTANICH, United States Attorney, and Bianca R. Pucci, Assistant United States Attorney, respectfully move this Honorable Court for an Order sealing the Complaint, Probable Cause Affidavit, Arrest Warrant, AO257, this Application, and the Court's Sealing Order, in the above-captioned matter, until such time as this Honorable Court, or another Court of competent jurisdiction, shall order otherwise.

Pursuant to LR IA 10-5, the Government requests that the accompanying Complaint in this case be filed under seal. *See generally*, Fed. R. Crim. P. 6(e)(4) (permitting for the sealing of an indictment); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982) (supporting the sealing of a search warrant when there is reasonable cause to believe that providing immediate notification may have adverse results); *Matter of Sealed Affidavit(s) to Search Warrants*, 600 F.2d


1 1256 (9th Cir. 1979) (same); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975) (same). In this
2 case, such an order would be appropriate because the Complaint and Affidavit relate to an
3 ongoing criminal investigation into violations of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (*Felon in*
4 *Possession of a Firearm*) that is not public and its disclosure may alert the target to the ongoing
5 investigation and pending arrest warrant.

6 Public disclosure of the information in the Complaint might possibly jeopardize the
7 investigation because Defendant Darryl Henderson is not yet in custody. Although Henderson
8 is generally aware of the investigation and has spoken with investigators, he is unaware federal
9 charges are being sought against him. If he were to learn of the charges via an unsealed
10 Complaint, he may take evasive measures or destroy potential evidence, or both. Defendant
11 Henderson's knowledge that an arrest warrant has been issued against him may also increase
12 risks to law enforcement in apprehending him. Accordingly, there is reason to believe that
13 disclosure of the information will jeopardize the investigation, including by giving him an
14 opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or notify
15 confederates.

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17 DATED this 14th day of October, 2020.

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19 Respectfully submitted,

20 NICHOLAS A. TRUTANICH
United States Attorney

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23 BIANCA PUCCI
Assistant United States Attorney
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ORDER TO SEAL

(Under Seal)

Based on the pending Application of the Government, and good cause appearing
therefore, **IT IS HEREBY ORDERED** that the Complaint, the Probable Cause Affidavit,
Arrest Warrant, AO257, the Government's Application, and this Court's Sealing Order, in the
above-captioned matter shall be sealed until further Order of the Court.

DATED this 14th day of October, 2020.



A handwritten signature in blue ink, appearing to be "J. R. ...", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE